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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,968	08/21/2003	Gregor Buedding	740116-487	7577
25570 7590 01/05/2007 ROBERTS, MLOTKOWSKI & HOBBS P. O. BOX 10064 MCLEAN, VA 22102-8064			EXAMINER BOSWELL, CHRISTOPHER J	
			ART UNIT	PAPER NUMBER
			3676	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/644,968

Applicant(s)

BUEDDING ET AL.

Examiner

Christopher Boswell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 7-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Claims 7-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on August 10, 2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by PCT Application Publication Number WO 00/46472 to Lohfeld et al.

Lohfeld et al. disclose a motor vehicle lock having a latch (2) which includes a pre-catch (2b) and a main catch (2a) and is pivotable around a first axis (axis of the latch) into an open position, into a pre-catch position and into a main catch position, a ratchet (3) which is pivotable around a second axis (axis of the ratchet) into an open position, into a pre-catch position and into a main catch position, and an actuator element (12) which includes an actuating element (13) having an engagement element (14a and 14b) located thereon, wherein the engagement element provides a coupling of the actuating element to and decoupling of the actuating element from the ratchet during movement of the engagement element in respective directions, and provides a

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coupling of the actuating element to and decoupling of the actuating element from the latch during movement of the engagement element in respective directions of movement of the engagement element opposite the respective directions (elements 14 and b actuate one of the levers 18 and 20, as shown in figure 5 element 14a for the lever 20 has been moved clockwise, by rotation of the worm wheel 13 so far that lever 20 has been swivelled clockwise and has pulled the element 9a or element 8 up so far that it is free of the latch 2, likewise the lock latch 2 is also held by the detent pawl 3 since the lever 18 remains unchanged, as in figure 4), wherein the latch is engaged with the pre-catch or the main catch when the ratchet is located in the pre-catch position or in the main catch position (figures 4 and 5), wherein the latch is kept in the pre-catch position or the main catch position until movement of the actuating element out of an initial position in a first direction such that the ratchet is raised by the actuating element resulting in an opening assistance function (the actuating element rotates in a direction to release the ratchet and allow the latch to be available to be opened), wherein the latch is movable from the pre-catch position into the main catch position by actuating the actuator element out of the initial position in a second direction opposite the first direction which couples the actuating element to the latch resulting in a closing assistance function (depending on the rotational direction of the actuating element, the engaging elements actuate either the ratchet to allow opening of the latch or actuate a transmission element to assist in closing the latch), and wherein coupling for the closing assistance function is effected by a step-down gear (7) interposed between the actuating element and the latch and that is mounted separately from the latch and actuating element (figures 4 and 5) creating a nonpositive connection therebetween, as in claim 1.

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Lohfeld et al. also disclose the actuating element being rotatable about a third axis (axis of the actuating element) which is spaced apart from and aligned essentially parallel to said first axis, as in claim 2, wherein the actuating element is a worm wheel (figures 4 and 5) is rotatable around the third axis and the engagement element is a coupling journal located on an end face of the worm wheel and extends parallel to the third axis (figures 4 and 5), as in claim 3, as well as the step-down gear between the actuating element and the latch is an essentially disk-shaped transmission element (7, figures 4 and 5) which is pivotable around a fourth axis (axis of the step-down gear) and includes a first actuating surface (20, figure 4) and a second actuating surface (9a), wherein the transmission element, via the first actuating surface, engages the engagement element of the actuating element during movement of the actuating element in the second direction which causes, via the second actuating surface, forced engagement of the latch for coupling of the actuating element to the latch (as shown in figure 5), as in claims 4 and 5, and where the step-down gear includes several stages (figures 4 and 5), as in claim 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lohfeld et al., in view of U.S. Patent Number 6,022,056 to Cope et al.

Lohfeld et al. disclose the invention substantially as claimed in claim 7. Lohfeld et al. discloses a motor vehicle lock having a latch (2) which includes a pre-catch (2b) and a main catch (2a) and is pivotable around a first axis (axis of the latch) into an open position, into a pre-catch position and into a main catch position, a ratchet (3) which is pivotable around a second axis (axis of the ratchet) into an open position, into a pre-catch position and into a main catch position, an actuating element (13), and a plurality of electrical devices to monitor the opening and locking actions of the latch (5 and 10) for determining the position of the door latch from the signals generated by the switches (abstract). However, Lohfeld et al. do not disclose the switches being Hall sensors. Cope teaches of a door latch apparatus with a pair of Hall effect sensors (130 and 132) in the analogous art of door latch mechanisms with Hall effect sensors being utilized to monitor the positions of the components of the door latch mechanism for the purpose of generating a signal produced by the Hall effect devices to indicate a position of a dead latch plunger (column 10, lines 34-43) and to monitor the position of a door latch actuator and also to initiate a rotary cycle of a crank arm, which drives a dead bolt latch, when a trigger signal from a trigger element is generated to unsecure a door (column 10, lines 53-58). It would have been obvious to one with ordinary skill in the art at the time the invention was made to replace the position indicating devices with Hall sensors to monitor the positions of both the ratchet and the actuating element in order to indicate the position of the ratchet and to monitor the position of the ratchet and also to initiate the operating movement of the actuating element, which drives the ratchet, when a trigger signal from a trigger element is generated to release the vehicle door. Wherein, the location of the parts of an invention only involves only routine skill

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in the art to obtain the most accurate information regarding the position and location of the ratchet or latch.

Response to Arguments

Applicant's arguments with respect to claims 1-6 and 18-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to power assisted latches:

U.S. Patent Number 6,439,623 to Lohfeld et al.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,


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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CJB 
December 18, 2006


Christopher Boswell
Examiner
Art Unit 3676


Suzanne Dino Barrett
Primary Examiner